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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/715,437

11/16/2000

Lynn Watson

5087-21

5708

75139

7590

02/13/2008

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EXAMINER

STEVENS, THOMAS H

ART UNIT

PAPER NUMBER

2121

MAIL DATE

DELIVERY MODE

02/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/715,437

Applicant(s)

WATSON ET AL.

Examiner

Thomas H. Stevens

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-17 is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-7 and 10-17 were examined.

#### ***Section I: Prosecution Reopened***

2. In response to applicants' request for a pre-appeal brief conference, a pre-appeal brief conference was held on 01/31/2008 in which the discussion resulted in withdrawing finality of the previous office action. Prosecution is now re-opened.

#### ***Section II: Non-Final Rejection Specification***

3. The disclosure is objected to because of the following informalities: the disconnection between the first memory from the first computer is not clearly disclosed. Clarification is requested (see section III: Response to Arguments).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 1-7, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fosdick.

**Per claims 1, 11,**

**Fosdick teaches**

- operating environment emulation system (pg.14, "Guest Operating Systems" section; lines 1-4: "If the virtual machines that CP manufactures appear real....VM...acts as a host operating system")
- a memory (pg.12, "main memory"; and pg.14, figure 2-3, virtual machines "512 Main memory and "1024K main memory") including: multiple emulators (pg. 14, figure 2-3, "virtual machines" mixed with the real computer hardware set up), wherein each emulator contains instructions (pg. 8, bullet 5 "command procedure languages") to emulate a first computer (pg.12, "one or more virtual machines" and pg. 14, line 1, "first of the two virtual machines" equivalent of a first computer)
- data file (pg. 8, 3<sup>rd</sup> bullet)
- host computer (pg. 14, "real computer hardware" figure 2-3)

**but fails to teach disconnection between a first computer and the memory**

Official notice is taken since the limitation of "that the memory to be disconnected from the first computer" was well known at the time of invention was made in the analogous art of Fosdick. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art for a user to virtually or physically disconnect a guest computer from the host computer as a matter of choice. The motivation to do so would have been "efficient at controlling online terminals, and because it provides certain programming compatibility features with many of the other operating systems that may run as guest in the VM environment" (pg.15, 3<sup>rd</sup> paragraph, lines 3-6). Therefore, it would have been obvious to modify Fosdick to obtain the invention as specified in claims 1 and 11.

**Per claim 7, Fosdick teaches**

- host computer is personal computer (suggestion virtual PC, pg. 7, 2<sup>nd</sup> paragraph, "VM/PC") compatible.

**Per claim 10, Fosdick teaches**

- the multiple emulators (pg.15, figure 2-4 "virtual machines" i.e., multiple emulation platforms with the host computer) further comprise emulators for different processors (pg. 15, last paragraph, lines 2-5, examples of different operating systems).

**Per claim 12, Fosdick teaches**

- a user input (user's input well known) designating the emulator to be loaded from the memory device

**Per claim 13, Fosdick teaches**

- Selecting an emulator automatically (mainframe-based office automation, pg. 6, 2<sup>nd</sup> bullet)

**Per claim 14, Fosdick teaches**

- accessory device (e.g., "input and output devices", pg.3)

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fosdick as applied to claim 1 above, and further in view of Braun et al., (US Patent 6,411,276; hereafter Braun).

**Fosdick fails to teach Universal Serial Bus cable, IEEE-1394 to which Braun teaches.**

- Per claim 2 Universal Serial Bus cable (column 4, line 65)
- Per claim 3. IEEE-1394 cable (column 4, line 65)

Therefore it would have been obvious to a person having ordinary skill in the art at the time of applicants' invention to modify Fosdick to include a USB or IEEE-1394 cable as taught by Braun for the purpose of creating an interface between the host computer and the interfacing device (column 4, lines 61-66).

8. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fosdick as applied to claim 1 above, and further in view of Dobbelstein (US Patent 5,881,269 hereafter Dobbelstein).

**Fosdick fails to teach infrared and Ethernet cable to which Dobbelstein teaches.**

- Per claim 4. infrared link (column 4, lines 38-39).
- Per claim 5. Ethernet cable (column 4, line 33)

Therefore it would have been obvious to a person having ordinary skill in the art at the time of applicants' invention to modify Fosdick by way of Dobbelstein since Dobbelstein teaches a method by emulating multiple users in a network environment by means of a multithread process in a client workstation (column 2, lines 5-8).

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fosdick as applied to claim 1 above, and further in view of Bhagwat et al., (US Patent 6,721,805; hereafter Bhagwat).

**Fosdick fails to teach IEEE- 802.11b to which Bhagwat teaches.**

- Per claim 6 wireless link in accordance with 802.11b (802.11x includes 802.11b, column 5, line 13)

Therefore it would have been obvious to a person having ordinary skill in the art at the time of applicants' invention to modify Fosdick by way of Bhagwat since Bhagwat allows shared communication medium capability to a plethora of computer devices (column 3, line 66 to column 4, line 1).

### **Section III: Response to Arguments**

10. The Office acknowledges the response in the pre-appeal conference but the Examiner has a few concerns. The disconnection between the first memory and the first computer was not found (pre-appeal conference, pages 2-3, last paragraph, first paragraph, respectively) which states the following (specification, dated 10/24/05):

*Within the memory device is a data file 16. The data file 16 contains all of the elements of the original operating environment to be simulated by the host computer. The data file will typically remain the same, as it is accessible by the emulators. When connected to the host computer, the operating system of the host computer accesses the appropriate packaged emulator, and runs the emulator as a task by executing the instructions, and accesses the data file. Once the data file is accessed, the host computer becomes an emulation of the original operating environment.*

*It must be noted that the host computer does not have to be a complete personal computer system. The emulator only requires a processor 22 that is running an operating system and a connector. This could include any number of accessories available today, such as palmtop devices, notebook computers, possibly even cellular phones, if the phone has the correct connectors, operating system and processor.*

The Office realizes that limitations need not be mentioned verbatim in the disclosure; however, in this particular instance, applicants must clarify the implicit nature of this limitation.

Furthermore, the Examiner acknowledges the various connectors as denoted in the disclosure (7/28/05; pg. 4, lines 2-12).



**Section IV: Allowable Subject Matter**

11. Claims 15-17 are considered allowable.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715.

If attempts to reach the examiner by telephone are unsuccessful, please contact examiner's supervisor Mr. Albert Decady (571-272-3819). The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Answers to questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) (toll-free (866-217-9197)).

Albert Decady  
Supervisory Patent Examiner  
Tech Center 2100

A handwritten signature in black ink, appearing to read "A. Decady", is written over the printed name and title of the examiner.